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GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF INDIA
MINISTRY OF FOOD AND AGRICULTURE
(Department of Food)

New Delhi, the 17th August, 1963
26th Shrawana 1885

ORDER

No. G. S. R. 1376. — In exercise of the powers conferred by sub-rule (2) of rule 125 of the Defence of India Rules, 1962, and clause 5 of the Sugar (Control) Order, 1963, the Central Government hereby makes the following amendments to the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G. S. R. 1070 dated the 22nd June, 1963, namely:

In the said Order —

(a) in the opening portion, for the words «except under and in accordance with a permit issued in this behalf by that State Government or an officer authorised by it» the word «except under and in accordance with a permit issued in this behalf by the Chief Director, Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture or by the Government of the State from which sugar is to be taken out or by an officer authorised by the Government of that State» shall be substituted;

(b) in the proviso, clause (i) shall be omitted.

[No. 1(23)/63-S. Py.]

B. P. BAGCHI
Joint Secretary

GOVERNMENT OF GOA, DAMAN
AND DIU

ORDER

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G. S. R. 1152, dated the 28th June, 1963 and with the prior concurrence of the Central Government, the Government of Goa, Daman and Diu is pleased to make the following Order, namely:

1. Short title, extent and commencement:

- 1) This Order may be called the Goa, Daman and Diu Khandsari gur Dealers Licensing Order, 1963.
- 2) It extends to the whole of the Union territory of Goa, Daman and Diu.
- 3) It shall come into force at once.

2. Definitions: — In this Order, unless the context otherwise requires:

- a) «Dealer» means a person engaged in the business of purchase, sale or storage for sale, of khandsari or gur in quantities exceeding 50 quintals at any one time, but does not include an industrial undertaking which is engaged in the manufacture or production of khandsari or gur and which is registered or licensed under the Industries (Development and Regulation) Act, 1951;
- b) «Form» means a form set forth in the Schedule to this Order;
- c) «Licensing authority» means an officer appointed by this Government to exercise the powers and perform the duties of the licensing authority under this Order;

- d) «State Government» means the Government of the Union territory of Goa, Daman and Diu.

3. Licensing of dealers:

- 1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing authority.
- 2) A separate licence shall be necessary for each place of business;
- 3) For the purpose of this clause, any person who stores khandsari or gur in any quantity exceeding 50 quintals at any one time shall, unless the contrary is proved, be deemed to store the khandsari or gur for the purpose of sale.

4. Issue of licence:

- 1) Every application for a licence or renewal thereof shall be made to the licensing authority in form «A».
- 2) Every licence issued or renewed under this Order shall be in Form «B» and shall be subject to the conditions specified therein.

5. Period of licence and fees chargeable:

- 1) Every licence issued under this Order shall be valid from the date of issue to the end of December 1963 and may thereafter be renewed for a further period of one year at a time.
- 2) The fees specified below shall be chargeable in respect of each licence, namely:

For issue of licence	Rs. 5/-
For renewal of licence	Rs. 2/-
For issue of a duplicate licence	Rs. 10/-

6. Power to refuse licence:

The licensing authority may, after giving the dealer concerned an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence.

7. Contravention of conditions of licence:

No holder of a licence issued under this Order or his agent or servant or any person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any person acting on his behalf contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority.

Provided that no order shall be made under this clause unless the licensee has been given reasonable opportunity of stating his case against the proposed cancellation or suspension.

8. Appeal:

- 1) Any person aggrieved by any order of the licensing authority refusing to issue or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the Government of Union territory

of Goa, Daman and Diu within 30 days of the date of the receipt by him of such order.

- 2) No order shall be made under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.
- 3) Pending the disposal of an appeal, the State Government may direct that the order refusing to renew a licence or the Order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

9. Powers on entry, search, seizing etc.:

- 1) The licensing authority or any other officer authorized by the Government of Union territory of Goa, Daman and Diu in this behalf may, with such assistance, if any, as he thinks fit:

a) Require the owner, occupier or any other person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;

b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder, has been, is being, or is about to be committed;

c) take or cause to be taken, extracts from or copies of, any documents showing transactions relating to such contraventions which are produced before him;

d) search, seize, and remove stocks of khandsari or gur and the animals, vehicles, vessels, or other conveyance used in carrying the said khandsari or gur in contravention of the provisions of this order, or of the conditions of the licences issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of khandsari or gur and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production;

- 2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

10. Saving — nothing in this order shall apply to:

- i) The sale or storage for sale or purchase of khandsari or gur on Government account; and
- ii) The sale by banks of stocks of khandsari or gur hypothecated to them provided that the khandsari or gur is sold accordance with the terms and conditions applicable to the hypothecaters.

FORM "A"

[See clause 4(1)]

(The Goa, Daman and Diu Khandsari & Gur Licensing Order, 1963)

Application for licence

- 1. Applicant's name.
- 2. Applicant's profession.
- 3. Applicant's residence.
- 4. Situation of applicant's place or places of business with particulars as to number of house, mohalla, town, or village, police station and district.
- 5. How long the applicant has been trading in khandsari/gur.
- 6. Did the applicant hold a khandsari/gur licence on any previous occasion? (If so, give particulars including its suspension or cancellation, if any).
- 7. Quantities of khandsari/gur handled annually during the last three years (November-October).
- 8. Income-tax Industrial tax paid in the two years preceding the year of application (to be indicated separately).

(1) ...
(2) ...

9. Quantity of khandsari/gur in the possession of the applicant on the date of application and the places at with the different quantities are kept.

I declare that the quantities of khandsari/gur specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of licence given in Form B appended to the Goa, Daman and Diu khandsari and gur Dealers Licensing Order, 1963, and I agree to abide by them.

- (a) I have not previously applied for a licence in this district under this Order;
- (b) I applied for such licence in this district for ... on ... and was/was not granted a licence on ...
- (c) I hereby apply for renewal of licence no. ... dated ... issued to me on ...

Strike off the clauses not applicable.
Place ...
Date ...

Signature of the applicant

FORM "B"

[See clause (2)]

(The Goa, Daman and Diu Khandsari & Gur Dealers' Licensing Order, 1963)

Licence for purchase, sale or storage of khandsari & Gur for sale
Licence No ...

1. Subject to the provisions of the Goa, Daman and Diu Khandsari/Gur Dealers Licensing Order, 1963 and to the terms and conditions of this Licence ... is/are hereby authorised to purchase, sell, or store khandsari/gur for sale.

2. The licensee shall carry on the aforesaid business at the following place:

Khandsari Gur

3. (i) The licensee shall maintain a register of daily accounts for khandsari/gur showing correctly—

- (a) the opening stock on each day, separately as regards to khandsari and gur;
- (b) the quantities received on each day showing the place from where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (d) the closing stock on each day, separately for each item.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

4. The licensee shall submit to the licensing authority concerned a true return, in form C, of the stocks, receipts and deliveries of each of the khandsari/gur every fortnight (1st

to 15th and 16th to end of the month), so as to reach him within five days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the khandsari and gur Dealers' Licensing Order, 1963, or any other Order relating to Foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not.

- (i) enter into any transaction involving purchase, sale or storage for sale of khandsari and gur in speculative manner prejudicial to the maintenance and easy availability of supplies of these items in the market;
- (ii) withhold from sale supplies of khandsari and gur ordinarily kept for sale; and
- (iii) charge, in respect of sales of khandsari and gur made by him, margin of profit at a rate in excess of any maximum rate of margin fixed for wholesale transactions in khandsari and gur by a representative body of khandsari and gur dealers for the locality concerned.

8. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the name, address, the licence number (if any) of the customer, the date of transactions the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by him in this behalf.

9. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the State Government for the inspections of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of khandsari/gur and for the taking of samples of khandsari and gur for examination.

10. The licensee shall comply with any direction that may be given to him by the State Government or the licensing authority in regard to purchase, sale and storage for sale, of khandsari and gur and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 5 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.

11. This licence shall be attached to any application for renewal.

12. This licence shall be valid upto ...

Place
Date.

The Licensing Authority,

FORM C

For use by a dealer

(See conditions 4 of form B)

Return of stocks, receipts and sales of Khandsari/Gur for the fortnight ending ... 19 ...

Name ...
No. of licence ...
Address ...

Particulars of godowns where stock held and quantity in stock in Khandsari/Gur in stock in bags/quintals.

Particulars of godowns	Quantity in stock bags/quintals		Remarks if any
	khandsari	gur	
1.			
2.			
3.			
1. Stock at the beginning of the fortnight.			
(a) actually with the licensee	khandsari	bags/quintals	
	gur	bags/quintals	
(b) pledged with any person or institution such as a bank or cooperative society ...	khandsari	bags/quintals	
	gur	bags/quintals	
Total:	khandsari	bags/quintals	
	gur	bags/quintals	

2. Quantity purchased during the fortnight

Name of factory from whom purchased	Quantity (in bags/quintals)	
	khandsari	gur
(i)		
(ii)		
(iii)		
(iv) Total ...		

3. Quantity received out of quantity purchased

From (Name of factory)	Quantity (in bags/quintals)		Date of purchase
	khandsari	gur	
(i)			
(ii)			
(iii)			
(iv) Total ...			
4. Quantity sold			
(a) quantity sold/and delivered/removed during the fortnight	khandsari	bags/quintals	
	gur	bags/quintals	
(b) quantity sold but not yet delivered	khandsari	bags/quintals	
	gur	bags/quintals	
Total sold	khandsari	bags/quintals	
	gur	bags/quintals	

5. Stock at the end of the fortnight.

(a) actually with the licensee:	
(i) unsold ...	khandsari ...
	gur ...
(ii) sold but awaiting delivery	khandsari ...
	gur ...
(b) pledged with any other or institution such as a bank or a cooperative society	khandsari ...
	gur ...
Total	khandsari ...
	gur ...

To

1. Licensing Authority.

Signature

Place ...

Date ...

THE LIEUTENANT GOVERNOR

T. Sivasankar

Panjim, 19th August, 1963.

Notification

In exercise of the powers conferred by the «Goa, Daman and Diu Khandsari and Gur Dealers Licensing Order, 1963». The Lt. Governor is hereby pleased to appoint the Director of Civil Supplies and Price Control, the Collector of Daman and the Civil Administrator of Diu, as licensing authorities, within the Territory of Goa, Daman and Diu, respectively, under clause (c) of section 2 of the said Order.

THE LIEUTENANT GOVERNOR

T. Sivasankar

Panjim, 19th August, 1963.

ORDER

In exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force in these Territories, I hereby order that the loan for aid to Fisheries may be granted under following rules.

Union Territory of Goa, Daman and Diu, Aid to Fisheries Rules 1963

1. *Short title:* These rules may be called the Union Territory of Goa, Daman and Diu, Aid to Fisheries Rules, 1963.

2. *Purpose for which loans may be granted:* Loans shall be granted for all items pertaining to the deve-

lopment of fisheries and particularly for the following:

- (1) Purchase of yarn, twine or nets;
- (2) Construction of and repairs to fishing vessels and fish carrier launches;
- (3) Purchase of and repairs to engines;
- (4) Purchase of motor trucks;
- (5) Erection of Ice and Cold Storage plants;
- (6) Manufacture of yarn and twine;
- (7) Purchase of stakes, hooks, lines etc;
- (8) Establishment of ancillary industries.

3. *Applications:* Applications for obtaining loans shall be made in the prescribed forms which can be had at a cost of 6 naye paise per form from the Director of Fisheries, Panjim, or any Divisional Superintendent of Fisheries.

4. *Disposal of applications:* Loans not exceeding Rs. 2,000/- in each case shall be sanctioned by the Director of Fisheries. All applications for loans above Rs. 2,000/- shall be referred to Government for sanction.

5. *Security of loan:* The amount of loans shall not ordinarily exceed half or 50% of the value of the assets offered as security for the loan. Alternatively the assets offered as security shall be at least 2 times the value of the loans applied for.

(i) In addition to the aforesaid security, the Director of Fisheries may ask the applicant to provide personal surety for the loan, if considered necessary.

The following assets shall be accepted as security for the loan:

- (1) House, land, boat, engine, iceplant, trucks, nets, stakes.
- (2) Mortgage of machinery, plant fishing boats, nets and stakes etc. to be purchased with the money loaned by Government.
- (3) A floating charge on all the assets of the borrowers.
- (4) Land shall not be accepted as security for an amount greater than half its market value.
- (5) Agricultural land shall not be accepted as security unless the borrower is the actual tiller of the land to be mortgaged or obtains the written approval of the tiller to mortgage it.

6. *Valuation of the assets:* (i) Valuation certificates of assets offered as a security shall for the purpose of sanctioning the loan be accepted from the following authorities:

- (1) Administrators in case of a solvency certificate or certificates regarding encumbrances of the property;
- (2) Administrators in the case of land;
- (3) Director of Public Works Department in the case of building;
- (4) Director of Fisheries for boats, nets and stakes;
- (5) Motor Vehicle Committee in the case of trucks.

Note: (a) The aforesaid valuation certificates shall be furnished by the Government officers free of cost.

(b) The applicant shall furnish true declaration of the Officer concerned of any encumbrance or charge of any

interest of claim by way of inheritance, gift, or otherwise howsoever to which the property to be valued is subject.

- (c) Government may at any time revalue the securities and in case the security taken in its opinion, become inadequate require the borrower to furnish additional security.

(ii) For the purpose of establishing claim of the title in respect of the property offered as security, certificates from the following will be accepted:

(a) Administrator (b) Reputed firm of solicitors recognised by Government for the purposes of these rules.

7. *Insurance:* The borrower shall within a period of three months from the date of receipt of loan amount insure all the assets mortgaged for the loan by him to Government against loss or damage by fire, riots, civil commotion etc. with some insurance office to be approved by the Director of Fisheries. The insurance shall be equal to the amount of the loan. Insurance shall be compulsory for all loans for mechanisation of fishing craft and for loans above Rs. 2,000/-. The insurance policies shall be assigned to the Administration of Goa, Daman and Diu. The condition of insurance may be waived in case of loans not exceeding Rs. 2,000/-.

8. *Disbursement of loans:*

(i) After a loan is sanctioned under Rule 4, the Director of Fisheries shall issue an order in the form appended to these rules which will set forth all the conditions regulating the grant and disburse the loan in one or more instalments as he thinks proper after obtaining the signature of the borrower at the end of the order referred to and also after taking from him a mortgage deed or deeds and/or a surety bond or bonds, from the personal surety or sureties under Rule in one or more forms appended to these rules subject to such variations as may be sanctioned by Government in individual cases.

(iii) Loans granted to fishermen or fishermen's cooperative Societies shall be disbursed either by the Director of Fisheries, Goa, Daman and Diu, or by any of his subordinate officers duly authorised for this purpose.

9. *Interest:* The rate of interest on loans for development of fisheries shall be at 4% per annum simple interest provided the mortgaged assets are insured. A rate of 9% per annum simple interest shall be charged if the assets are not insured. The interest shall be calculated at the aforesaid rate on diminishing balances from the date of disbursement of the loan and shall be payable within one month from the date of payment of the last instalment on account of principal.

If the loan is not repaid within the stipulated period for repayment, penal interest at 1 percent per annum shall be levied on all amount including principal and interest in arrears for the excess period taken by the loans for repayment of the loan.

10. *Period of repayment of loan:* The period of repayment of loans shall not ordinarily exceed seven years. The period of repayment of the loan shall be mentioned in the order sanctioning the loan. This period shall not exceed ten years from the date of disbursement of the last instalment.

11. The loanee shall repay the loan by instalments, specified in the order sanctioning loans.

(i) The date of commencement of repayment of the loan shall be stated in the order sanctioning the loan.

(ii) No instalments will be payable during the months of June, July, August and September.

(iii) Provided further that a borrower may repay loan on an earlier date or in instalments larger than those fixed in the order sanctioning the loans. A corresponding remission of interest in respect of complete months only shall be granted to the borrower so repaying the loan.

12. *Recovery as arrears of land revenue, if instalments not paid:*

If any instalment or part thereof and or interest accrued or insurance premium unpaid after the due date, such moneys together with costs, if a or if so directed by Government, the entire balance of loan with interest accrued thereon together with cost, if any, shall be recovered as arrears of land revenue under the law for the time being in force.

13. *Recovery as arrears of land revenue, if loan is utilised for purposes other than those of which loan is granted:*

All sums disbursed under Rule 8 must be expended in accordance with the objects for which the loans was sanctioned. The borrower shall submit within three months from the date of which any instalment of the loan is paid to him, certificates or vouchers showing the amount actually spent by him and the purpose of which it has been spent. If at any time the Director of Fisheries is satisfied that the loan is not being utilised for the purpose for which it was granted he may pass an order that the loan or balance thereof and all moneys outstanding against the borrower shall be forthwith repaid and if not so repaid, the same may be recovered in the following manner as arrears of land revenue.

(a) Loans above Rs. 5,000/- to be recovered with the previous sanction of Government.

(b) Loans upto and inclusive of Rs. 5,000/- to be recovered under the instructions of the officer concerned.

14. *Inspection:* The borrower shall be bound to permit the Director of Fisheries or any officer deputed by him by general or special order in writing or any other person authorised in this behalf by the Government at all the reasonable time, to inspect the premises, accounts books, machinery, plant appliances, furniture, stocks and stores, fishing boats, nets, stakes, trucks etc., and all other belongings and things connected with the development of fisheries in respect of which the loan has been granted and to grant all reasonable facilities for such inspection.

15. *Property purchased out of loan to be kept in good condition:*

(i) Any building, godown, warehouse, fishing boat, nets, stakes, plant, machinery, appliances and furnitures, trucks etc., purchased out of the loan granted under these rules and which serve as security shall be maintained and kept in good and efficient condition to the satisfaction of the Director of Fisheries.

(ii) The Director of Fisheries may pass an order that a building, godown, warehouse, machinery, plant, truck, nets, etc. referred to in sub-rule (i) above shall be repaired, reconstructed, renewed or

reconditioned at the cost of the borrower and if the borrower fails to carry out such order the loan or any balance thereof and all other moneys outstanding against the borrower shall be forthwith repaid and if not repaid the same may be recovered as arrears of land revenue in the following manner:

- (a) Loans above Rs. 5,000/- to be recovered with the previous sanction of Government.
- (b) Loans upto and inclusive of Rs. 5,000/- to be recovered under the instructions of the officer concerned.

- 16. Register of loans:
The Director of Fisheries shall maintain a register of loans in form appended to these rules.
- 17. Request for loans by fishermen's cooperative societies will also approved by the Director of Fisheries.

THE LIEUTENANT GOVERNOR
T. Sivasankar

Panjim, 25th July, 1963.

Date of advance	Amount of Loan advanced		Repayment of principal			Payment of interest				Insurance				Amount of Insurance premium paid	
			Date	Amount	Balance	Period No. of days	Amount due	Amount paid	Balance	Name of In-surance Co.	Policy No.	Date of ex-piry	Date of In-surance paid		
	Rs.	nP.		Rs.	nP.	Rs.	nP.	Rs.	nP.	Rs.	nP.			Rs.	nP.
Remarks loan recommended by															

Director of Fisheries, Government of Goa, Daman and Diu, Panjim.

Name of the Scheme: ... G.R.A. & F.D. ... No. ... dated ...
Loan Rs. ... for: Director of Fisheries Order No. ...
Subsidy Rs. ... SANCTIONED UNDER Date ...
Vr. No. ... (dated ...)
... p.c.p.a. penal interest @ ... pc.

Loan to be repaid in ... years by ... monthly instalments of Rs. ... each and the ... Instalments of Rs. ... Instalments not payable from June to ... September. First instalment due in ...

Particulars of Loan Bill

Loan amount drawn from treasury
Bill No. Date
Voucher No. Date
C. B. No. Date

Security	(1)	(2)	(3)	Name and Address of the Loanee/s
1. Boat/s Name	(1)	(2)	(3)	(1)
No.	(2)	(3)	(4)	(2)
Tonnage	(3)	(4)	(5)	(3)
Value	(4)	(5)	(6)	(4)
2. Engine/s Make	(5)	(6)	(7)	(5)
H. P.	(6)	(7)	(8)	(6)
Cylinders	(7)	(8)	(9)	(7)
R. M.	(8)	(9)	(10)	(8)
Value	(9)	(10)	(11)	(9)
3. House/s At	(10)	(11)	(12)	(10)
S. No.	(11)	(12)	of Village	(11)
Value	(12)	Taluka	Dist.....	(12)
4. Land at	.....	.....	.....	.....
S. No.	.....	.....	.....	.....
Acreage	.....	.....	.....	.....
Value	.....	.....	.....	.....
5. Personal Surety	.....	.....	.....	.....
Name	.....	.....	.....	.....
Village	.....	.....	.....	.....
For Rs.	.....	.....	.....	.....